

United States District Court  
Southern District of New York

Spabo Ice Cream Corp., d/b/a Mister Softee  
and Mister Softee, Inc.,

-against-

**AFFIDAVIT OF SERVICE**  
**Case # 08 CV 6138**

Domingo Ice Cream Corp., et al.  
Defendants.

COUNTY OF ALBANY SS:  
STATE OF NEW YORK

Denise L. Dooley, being duly sworn says: Deponent is over the age of eighteen years and is a resident of New York State, that: Deponent served the following specific papers in the above entitled action: Summons in a Civil Action, Civil Cover Sheet and Civil Action-Complaint, under Section 306 of the Business Corporation Law. The corporation which was served was: **DOMINGO ICE CORP.**

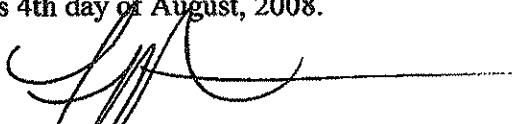
That on the 4th day of August 2008 at approx. 1:30 p.m., at the office of Department of State of New York, in the City of Albany, two (2) copies of the aforesaid papers were served by personally delivering to and leaving with Chad Matice known to me to be in the Corporation Division of the Department of State and empowered to receive such service. That at the time of making such service, deponent paid to the Secretary of State the fee prescribed by Law in the amount of \$40.00.

Description of Chad Matice - Authorized Person  
white male, approx. 28 yrs., 6'0", 195 lbs., brown hair, glasses



Denise L. Dooley

Sworn to before me  
this 4th day of August, 2008.



FRANK J. PANUCCI  
Notary Public, State of New York  
Qualified in Albany County  
No. 4721156  
Commission Expires July 31, 2010

State of New York - Department of State  
Receipt for Service

Receipt #: 200808040413

Cash #: 200808040128

Date of Service: 08/04/2008

Fee Paid: \$40 - DRAWDOWN

Service Company: 12 EMPIRE CORPORATE & INFORMATION SERVICES,

Service was directed to be made pursuant to: SECTION 306 OF THE BUSINESS  
CORPORATION LAW

Party Served: DOMINGO ICE CORP.

Plaintiff/Petitioner:

SPABO ICE CREAM CORP

Service of Process Address:

DOMINGO ICE CORP.

221 EAST 168TH STREET, STE. 3D

BRONX, NY 10456

Secretary of State  
By CHAD MATICE